DELEGATION OF AUTHORITY
SAFE DRINKING WATER ACT (SDWA)

Treatment of Indian Tribes as States:
Public Water Systems and Underground Injection Control

1. **AUTHORITY.** To determine whether an Indian Tribe shall be treated as a State for purposes of the Public Water System and Underground Injection Control Programs in accordance with Section 1451 of the Safe Drinking Water Act. A separate determination must be made for the Public Water System and Underground Injection Control Programs.

2. **TO WHOM REDELEGATED.**
   a. The Regional Administrator does not redelegate the authority to approve the initial determination.
   b. The authority to approve any amendments to the initial determination or to approve any subsequent determinations is redelegated to the Director, Water Division, or equivalent.

3. **LIMITATIONS.**
   a. Regional administrators are required to obtain concurrence from the AA for Water and Enforcement, the AA for OECA, and the GC, or their designees, prior to making the first final determination for treatment of a tribe as a state for each program in the region.
   b. OW and OECA may waive the concurrence limitation on a case-by-case basis. The regional administrator will be responsible for maintaining a record of any waiver of this limitation.
   c. Any subsequent final determinations in that program may be made by the regional administrator or division director with the concurrence of the regional counsel.

4. **REDELEGATION AUTHORITY.**
   a. This authority may not be redelegated.
   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **SUPERSESSION.** This delegation supersedes R10 9-38 (10/28/2004) and any other delegation of the same authority.

6. **ADDITIONAL REFERENCES.**
   a. 40 CFR 142.72, 142.76, 142.78, 145.52, 145.56, and 146.58.
   b. EPA Delegation 9-38.

June 27, 2019
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Date

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Chris Hladick
Regional Administrator